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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/833,674	04/13/2001	Shunpei Yamazaki	12732-028001	2128

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EXAMINER

HESELTIME, RYAN J

ART UNIT	PAPER NUMBER
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2623

DATE MAILED: 01/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/833,674	Applicant(s) YAMAZAKI ET AL.	
	Examiner Ryan J Hesselline	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-108 is/are pending in the application.
- 4a) Of the above claim(s) 13-34, 39-42, 47-50, 63-84, 89-92 and 97-100 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12, 35-38, 43-46, 51-62, 85-88, 93-96 and 101-108 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 April 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7/25/01, 6/4/04</u> | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Group I (claims 1-12, 35-38, 43-46, 51-62, 85-88 and 93-96) in the reply filed on July 30, 2004 is acknowledged.

Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Drawings

3. Figures 16 and 17 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.121(d)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claims 1-12, 35-38, 43-46, 51-62, 85-88, 93-96 and 101-108 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ritter (USPN 6,657,538, cited on applicant's IDS) in view of Harkin (USPN 6,327,376, newly cited, corresponding to WO 99/28701, cited on applicant's IDS).

6. Regarding claims 1 and 51, Ritter discloses a system and method for identifying an individual, comprising: a display (column 4, line 25-32); a means for reading biological information of a user (column 4, line 16-25); a means for checking read biological information with reference biological information (column 4, line 32-52); and a means for transmitting information about a checking result to a destination of communication in the case where said checking has matched (column 5, line 9-48). Ritter does not disclose that the display is a sensor-incorporated display or that the biological information of a user is read by means of said sensor-incorporated display.

7. Harkin discloses an electronic apparatus comprising fingerprint sensing devices constructed using transparent sense electrodes and combined with a flat panel display device such that fingerprints are sensed as the user is interacting with the display (column 9, line 14-63). It would have been obvious to one of ordinary skill in the art at the time the invention was made to read biological information of a user by means of a sensor-incorporated display as taught by Harkin in order to dispose the sensing device over a display while still allowing the output of the display to be viewed for use in the field of portable electronic products using displays such as mobile phones, smart cards, personal digital assistants (PDAs), and other portable computers while avoiding the need for a larger casing or sacrificing an area of the casing that could otherwise be used for other purposes (column 4, line 8-35).

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8. Regarding claims 7 and 57, Ritter discloses a system and method for identifying an individual, comprising: a sensor-incorporated display (see above discussion of claims 1 and 51); a means for reading biological information of a user (column 4, line 16-25) by means of said sensor-incorporated display; a means for checking read biological information with reference biological information (column 4, line 32-52); a means for transmitting information about a checking result to a destination of communication in the case where said checking has matched (column 5, line 9-48); and a means for notifying said user (provide client and operator with instructions via user interface), after said destination of communication receives information that said checking has matched, that communication between said user and said destination of communication has been authorized (column 4, line 32-52; column 5, line 9-33). The examiner notes that Ritter does not explicitly disclose notifying the user that communication has been authorized, but it is obvious if not inherent that the user is informed of the authentication decision. It would have been obvious to one of ordinary skill in the art at the time the invention was made to notify said user, after said destination of communication receives information that said checking has matched, that communication between said user and said destination of communication has been authorized in order to inform the user whether or not communication has been authorized so that the user may take appropriate action. /

9. Regarding claims 35 and 85, Ritter discloses a system and method for identifying an individual, comprising: a sensor-incorporated display (see above discussion of claims 1 and 51); a means for reading biological information of a user (column 4, line 16-25) by means of said sensor-incorporated display; a means for checking read biological information with reference biological information (column 4, line 32-52); and a means for transmitting information about a

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checking result to a destination of communication through Internet (column 5, line 9-48; column 6, line 1-15).

10. Regarding claims 43 and 93, Ritter discloses a system and method for identifying an individual, comprising: a sensor-incorporated display (see above discussion of claims 1 and 51); a means for reading biological information of a user (column 4, line 16-25) by means of said sensor-incorporated display; a means for checking read biological information with reference biological information (column 4, line 32-52); a means for transmitting information about a checking result to a destination of communication through Internet (column 5, line 9-48; column 6, line 1-15); and a means for notifying said user (provide client and operator with instructions via user interface) that the communication between said user and said destination of communication has been authorized after said destination of communication receives information that said checking has matched (column 4, line 32-52; column 5, line 9-33; see above discussion of claims 7 and 57).

11. Regarding claims 2, 8, 52 and 58, Ritter discloses that said biological information of said user is a palm pattern or finger prints (column 2, line 52-61).

12. Regarding claims 3, 9, 53 and 59, neither Ritter nor Harkin explicitly disclose that said biological information of said user is the whole or a part of said user's palm. The examiner takes Official Notice that palm imaging is well known in the art of biometrics. It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the whole or part of the user's palm as said biological information in order to identify the user based on the pattern of the palm.

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13. Regarding claims 4, 10, 36, 44, 54, 60, 86 and 94, Harkin discloses that said sensor-incorporated display may include a light source such as LEDs, but does not explicitly disclose that said display is a spontaneous light emitting display. The examiner takes Official Notice that spontaneous light emitting displays are well known in the art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize a spontaneous light emitting display as said sensor-incorporated display in order to spontaneously emit light in combination with sensing a user's biological information.

14. Regarding claims 5, 11, 37, 45, 55, 61, 87 and 95, Harkin discloses that said sensor-incorporated display is an EL (electroluminescent) display (column 9, line 64-67).

15. Regarding claims 6, 12, 38, 46, 56, 62, 88 and 96, Harkin discloses that said sensor-incorporated display is a contact type area sensor (column 5, line 54-column 6, line 23, line 58-column 7, line 10).

16. Regarding claims 101-108, Harkin discloses that said sensor-incorporated display is comprised in a portable communication device (Figures 7 and 8; column 10, line 1-28).

Conclusion

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. USPN 5,420,936 to Fitzpatrick et al. discloses a method and apparatus for accessing touch screen desktop objects via fingerprint recognition. USPN 5,446,290 to Fujieda et al. discloses a fingerprint image input device having an image sensor with openings formed on a transparent substrate. USPN 6,171,436 to Srey et al. discloses a portable communication device having a fingerprint identification system. USPN 6,490,366 to Haneda et al. discloses an information processing apparatus comprising a portable telephone including a fingerprint sensor.

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USPN 6,547,130 to Shen discloses an integrated circuit card with fingerprint verification capability. USPN 6,628,810 to Harkin discloses a hand biometrics sensing device. USPN 6,751,734 to Uchida discloses an authentication executing device, portable authentication device, and authentication method using biometrics identification. WO 00/63769 to Han discloses a fingerprint recognition security computer monitor.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan J Hesseltine whose telephone number is 703-306-4069.

The examiner can normally be reached on Monday - Friday, 8:30 AM - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amelia Au can be reached on 703-308-6604. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ryan J. Hesseltine
January 21, 2005

JINGGE WU
PRIMARY EXAMINER

